

**NURSING HOME ADMINISTRATORS EXAMINING BOARD
MINUTES
MADISON, WISCONSIN
December 16, 1999**

PRESENT: Karen Robinson, Patricia Schulz, Jerry Schallock, Tony Oberbrunner, Robert Mulder, David Egan, Roxann Miller Sobek

ABSENT: Omar Barberena, Rhoda Arzoomanian

STAFF PRESENT: Secretary Cummings, Cletus Hansen, Judy Mender, Ruby Jefferson-Moore, Legal Counsel; other department staff were present for portions of the meeting

CALL TO ORDER

The meeting was called to order at 9:35 a.m. by Karen Robinson, Chair. A quorum of six voting members was present.

Karen Robinson introduced new Board members Roxann Miller Sobek and David Egan. The new Board members gave a brief background of themselves.

AGENDA

Clete Hansen indicated the following additions to the agenda: an application under "closed session," one application under "correspondence," and the review of the current memorandum of agreement with the Department of Health and Family Services (DHFS) under "correspondence."

MOTION: Jerry Schallock moved, seconded by Robert Mulder, to adopt the agenda as amended. Motion carried unanimously.

MINUTES (10/14/99)

MOTION: Robert Mulder moved, seconded by Jerry Schallock, to approve the minutes, as written. Motion carried unanimously.

ADMINISTRATIVE REPORT

Secretary Cummings' Report

Secretary Cummings welcomed the new Board members.

Secretary Cummings presented a plaque and pin to Shirley Keller in recognition of ten years of distinguished service on the Board.

Bureau Director's Report

Clete Hansen informed the new Board members of the Board member manual and gave them a sample of a completed travel voucher and informed them of the per diem form.

The Board members received copies of a news article from the Wisconsin State Journal dated Wednesday, December 15, 1999 entitled, "Clinton Imposes Tougher Penalties for Nursing Homes," and a copy of the 1997-99 Biennial Report to the Legislature.

Clete Hansen announced the resignation of Board member Nancy Harper.

- **Board Roster**

The Board received an updated roster. Clete Hansen advised Board members to indicate changes or corrections.

- **Meeting Dates**

The Board members received an updated list of 2000 meeting dates. Noted.

- **To-Pass Folder**

Information was circulated in the To-Pass Folder and duly noted.

LEGISLATIVE UPDATE

SB299 and AB 607, Requirements that Apply to a Person Taking the Examination for a Nursing Home Administrator License

Karen Robinson informed the Board of a November 12, 1999, Email from Myra Shelton regarding the recess of the regular session of the Legislature.

Karen Robinson reviewed the bill requiring a bachelor's degree of nursing home administrators. She indicated sponsors of the bill were Senator Moen and Representative Wasserman. She said support seems to be positive and favorable.

1999 Wisconsin Act 8

Noted.

Biennial Budget Bill, 1999 Wisconsin Act 9

Summary of changes noted.

ADMINISTRATIVE RULES UPDATE

Rules Relating to Experience and Reciprocity

Ruby Jefferson-Moore stated Pamela Haack indicated that the rules will be effective February 1, 2000.

Clete Hansen explained that he signed the rules for Karen Robinson, as authorized by the Board.

Nothing further to discuss.

EXAMINATION ISSUES

NAB Exams

Darwin Tichenor relayed concerns from Barbara Showers about a new rule provision that refers to applicants being required to take “an exam” covering both state and federal laws. The Board clarified that the intent of the rule was to require an exam consisting of two parts.

Darwin Tichenor gave an overview of the new examination process and distributed a new packet, “Nursing Home Administrators Licensing Examination Information for Candidates.”

Darwin Tichenor reviewed the statistics of Wisconsin NHA examination candidates from 1990 – 1999.

Darwin Tichenor indicated that HFS 132 is in final draft form and hearings are scheduled in February, 2000. Karen Robinson will review the final draft with Darwin Tichenor to get an idea of how much the state exam will need to be changed to reflect the changes in HFS 132.

BOARD MEMBER ACTIVITY

Mid-Year Meeting, November 3-5, 1999 – Report of Patricia A. Schulz

Patricia Schulz reported on the Mid-Year meeting held in Scottsdale, Arizona. She indicated that NAB would like a Wisconsin member to volunteer to review and write questions for the NAB exam.

The 2000 convention will be held in June in Portland, Oregon.

The Board discussed the decline in scores and number of applicants for the exam.

PROVISIONAL LICENSES

The Board discussed the need to appoint a committee to look at the issue of provisional licenses and revision to the statutes to allow the Board jurisdiction in granting provisional licenses. Ruby Jefferson-Moore, Jerry Schallock, Tony Oberbrunner, and David Egan will form the committee with Jerry Schallock to head the committee.

MISCELLANEOUS CORRESPONDENCE/INFORMATION

Clete Hansen distributed copies of the current agreement and the revised agreement with the Department of Regulation and Licensing (DORL) and DHFS/Bureau of Quality Assurance (BQA), relating to notification that a nursing home has provided substandard quality of care. This issue will be discussed at the next meeting.

The Board discussed the October 12, 1999, correspondence from Michael McAvoy requesting waiving the 1-year of experience in the field of institutional administration required for NHA licensure. Ruby Jefferson-Moore suggested responding to Mr. McAvoy, indicating what the state requirements are now and what the February, 2000 requirements will be.

NEW BUSINESS

Tony Oberbrunner asked how new licensees obtain continuing education units. He indicated BQA staff have had some difficulty getting programs approved by NAB.

Information will be provided for the next meeting on how programs are approved.

RECESS TO CLOSED SESSION

MOTION: Patricia Schulz moved, seconded by David Egan, to convene the meeting in Closed Session pursuant to sections 19.85(1)(a), (b),(f) and (g), Wis. Stats.: to consider the licensing or discipline of a person licensed by this Board or the investigation of charges against such a person. Specifically, to discuss monitoring reports, case status reports, case closings, stipulations, deliberations on stipulations that may be signed after printing of the agenda, deliberations on proposed disciplinary matters that may be signed after printing of the agenda, pending applications, examination issues, and disciplinary proceedings. Motion carried by a roll call vote: Patricia Schulz-yes; Jerry Schallock-yes; Robert Mulder-yes; David Egan-yes; Roxann Miller Sobek-yes; Karen Robinson-yes. Motion carried unanimously.

Open Session recessed at 10:55 a.m.

The Board received a copy of the Case Status Report.

The Board deliberated on issues related to case closings.

RECONVENE IN OPEN SESSION

MOTION: Robert Mulder moved, seconded by Patricia Schulz, to reconvene in Open Session at 11:30 a.m. Motion carried unanimously.

VOTING ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

CASE CLOSINGS

MOTION: Robert Mulder moved, seconded by Patricia Schulz, to close 99 NHA 006, with no further action, as there is insufficient evidence available to show that a violation has occurred in respect to her adequately training and equipping staff to perform their duties. Motion failed with Robert Mulder, Patricia Schulz, and Roxann Miller Sobek voting yes, Karen Robinson voting no, and Jerry Schallock and David Egan abstaining.

Case 99 NHA 006 will be returned to DOE for further investigation.

MOTION: Robert Mulder moved, seconded by Jerry Schallock, to close 99 NHA 010, for no violation. Motion carried unanimously.

OTHER ITEMS AS AUTHORIZED BY LAW

ADJOURNMENT

MOTION: Jerry Schallock moved, seconded by Robert Mulder, to adjourn the meeting at 11:40 a.m. Motion carried unanimously.